

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHARAZ HOSEIN,

Plaintiff,

-against-

ALEJANDRO N. MAYORKAS,

Defendant.

21-CV-4057 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

On August 17, 2021, the Court dismissed this case without prejudice because Plaintiff failed to pay the \$402.00 in filing fees or submit an amended request to proceed *in forma pauperis* (IFP). *See* 28 U.S.C. §§ 1914, 1915. Judgment was entered the next day, August 18, 2021. On September 9, 2021, the Court received from Plaintiff a notice of appeal and a motion for an extension of time to file a notice of appeal under Rule 4(a)(5) of the Federal Rules of Appellate Procedure.¹ (ECF 6-7.)

The Court denies Plaintiff's motion for an extension of time. A litigant has thirty days from entry of the order or judgment he wishes to challenge to file a notice of appeal. Fed. R. App. P. 4(a)(1)(A). Because Plaintiff timely filed his notice of appeal within thirty days after entry of judgment, the Court denies the motion for an extension of time to file a notice of appeal as unnecessary.

CONCLUSION

The Court denies Plaintiff's motion for an extension of time to file a notice of appeal (ECF 6) as unnecessary because Plaintiff's notice of appeal (ECF 7) is timely.

¹ On September 14, 2021, the Court transmitted the notice of appeal to the United States Court of Appeals for the Second Circuit.

The Court directs the Clerk of Court to mail a copy of this order to Plaintiff and note service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: September 14, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge